

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

August 31, 2004

IN RE:

**PETITION OF DIECA COMMUNICATIONS,
INC. D/B/A COVAD COMMUNICATIONS
COMPANY, FOR ARBITRATION OF
INTERCONNECTION AGREEMENT
AMENDMENT WITH BELL SOUTH**

**DOCKET NO.
04-00186**

ORDER ESTABLISHING BRIEFING SCHEDULE

This matter is before the Hearing Officer pursuant to the joint request of the parties to establish a briefing schedule in this Docket. On August 12, 2004, DIECA Communications, Inc. d/b/a/ Covad Communications Company ("Covad") and BellSouth Telecommunications, Inc. ("BellSouth") filed a letter with the Authority requesting that a briefing schedule be set on the following issue:

Is BellSouth obligated to provide Covad access to line sharing after October 2004?

The parties suggested that simultaneous briefs on this issue be filed no later than September 3, 2004, and that all other issues and outstanding motions in this Docket be held in abeyance.¹

At the August 9, 2004 Authority Conference, as stated in Chairman Miller's motion and adopted unanimously, the Hearing Officer was assigned the duty "to determine whether we have an arbitration or dispute, and if it was genuinely a dispute, that the hearing officer set out procedures for resolution of the docket and that – and take up any other matters necessary to the

¹ See Letter from Charles E Watkins, Henry Walker, Guy Hicks and R Douglas Lackey to Chairman Pat Miller (August 12, 2004)

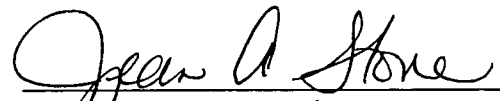
docket for preparation for us to hear it.”² As a result of that limited grant of authority, on August 17, 2004 the Hearing Officer asked whether the parties were in agreement that this proceeding should be addressed as a petition for dispute resolution or that this proceeding should be addressed as a petition for arbitration. If there was no agreement, the joint request for a briefing schedule would go before the panel, rather than the Hearing Officer, for a decision.³ The parties responded that they could not agree as to whether this proceeding should be addressed as a petition for dispute resolution or as a petition for arbitration, and requested that the panel approve the proposal for a briefing schedule at the August 30, 2004 Authority Conference.⁴

At the regularly scheduled August 30, 2004 Authority Conference, the panel voted unanimously to direct the Hearing Officer to set September 3, 2004 as the briefing schedule for the line sharing issue as requested by the parties and to hold the remainder of the issues in abeyance.

Therefore, the parties are directed to file briefs no later than **no later than 4:00 p.m.** on September 3, 2004 on the issue: “Is BellSouth obligated to provide Covad access to line sharing after October 2004?”

IT IS THEREFORE ORDERED THAT:

A briefing schedule is established as stated herein.


Jean A. Stone, Counsel
as Hearing Officer

² Transcript of Authority Conference, pp. 9-10 (August 9, 2004).

³ See Letter from Hearing Officer Stone to Parties (August 17, 2004)

⁴ See Letter from Henry Walker and Guy Hicks to Hearing Officer Stone (August 19, 2004)